

### **REMARKS**

By this amendment, claim 22 has been amended and claim 25 has been cancelled. **The claims remaining in consideration are independent claims 16 and 22.** No new matter has been added by this amendment.

#### ***I. Claim Rejection Under 35 U.S.C. §112***

The Examiner has rejected claim 22 as being indefinite for failing to provide an antecedent basis for the limitation "the neuropeptide" in line 11. Applicant has amended claim 22 to clarify that the neurotransmitter referenced in the claim preamble is inhibited. Applicant respectfully requests reconsideration of this rejection.

#### ***II. Claim Rejections Under 35 U.S.C. §103***

The Examiner has rejected claims 16 and 22 under 35 U.S.C. §103(a) as being unpatentable over Donovan (US2004/0009180) (hereafter "Donovan"). Applicant respectfully requests reconsideration of this rejection.

While Donovan makes reference to lecithin vesicles as possible enhancing agents, the only reference it makes to pluronic lecithin organogel (PLO) is, as the Examiner notes, to expressly exclude it in combination with dimethylsulfoxide (DMSO). PLOs have been relatively recently developed and incorporate a synthetic polymer that acts as cosurfactant and stabilizer. These synthetic polymers are a series of nonionic, closely related block copolymers of ethylene oxide and propylene oxide. The addition of pluronics also allows the use of lecithin with relatively lesser purity in producing a desired organogel.

It is notable that while Donovan provides an extensive list of suitable enhancing agents, including lecithin vesicles, it does not include PLOs within that list and, further only references PLOs in an exclusionary statement. The incorporation of pluronics to form PLOs is not chemically insignificant as it changes the basic nature not only of the

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overall composition but of the quality of lecithin used in the composition. Applicant submits that these facts, taken together, strongly indicate that Donovan actually teaches away from the use of PLOs. Therefore, claims 16 and 22, which are limited to the specific use of a PLO in the claimed method, are patentable over Donovan.

## ***II. Conclusion***

It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Response is respectfully requested.

Respectfully submitted,

  
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